

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40210 of 2023**

Arising Out of PS. Case No.-500 Year-2022 Thana- RAJAON District- Banka

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BABY DEVI Wife of Vikash Yadav Resident of village - Jhikata, P.S. -
Rajoun, Distt. - Banka

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 11-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
06.11.2022 in connection with Rajoun P.S. Case No. 500 of
2022, F.I.R. dated 02.11.2022 registered for the offence
punishable under Sections 341, 323, 365/34 of IPC and
subsequently Sections 302, 201 and 120(B) of IPC has been
added Act.

3. Allegation against the petitioner is that she
alongwith others killed the informant's son namely Gurudev
Kumar after his abduction.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and she has
falsely been implicated in the present case merely on the basis



of suspicion. Further submits that the informant is not the eye witness of the alleged occurrence and it has come during investigation that the petitioner has illicit relation with the deceased, who is happened to be son of the informant, and informant has suspected that the petitioner and other co-accused person have killed her son but there is no evidence to suggest the involvement of the petitioner in the present occurrence and the co-accused, namely, Ashok Yadav, who is happened to be husband of the petitioner, has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 18.07.2022 passed in Cr. Misc. No.24489 of 2023 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 06.11.2022.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1, Banka/Successor Court, Banka in connection with Rajoun P.S. Case No. 500 of 2022, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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